



INTERIOR BOARD OF INDIAN APPEALS

Estate of Verena Gean Kitchell

11 IBIA 248 (07/15/1983)

Related Board case:

12 IBIA 258

Summary judgment for defendant, *Kitchell v. Clark*, No. CIV-84-1803-W
(W.D. Okla. July 16, 1985)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF VERENA GEAN KITCHELL : Order Docketing and Dismissing Appeal
:
: Docket No. IBIA 83-38
:
: July 15, 1983

On July 15, 1983, the Board of Indian Appeals received a notice of appeal from Louis Lee Kitchell, Lewis Snakeman, Amos Snakeman, Linda Latoma Snakeman, Sandra Kay Snakeman Markwardt, and Rita Jo Snakeman Alexander, through counsel, Amos E. Black, III, Esq., and Justus Hefley, Esq., Anadarko, Oklahoma. The notice seeks an order directing Administrative Law Judge Keith L. Burrowes to hold a rehearing in the above estate.

The appeal is docketed under the above case name and number which should be cited in all future correspondence or inquiries regarding the matter. The Board finds that the circumstances of this case require that it be dismissed without prejudice.

Under the regulations in 43 CFR 4.241, a petition for rehearing must be filed with the Administrative Law Judge who rendered the initial decision in an estate before a notice of appeal may be filed with the Board. The notice of appeal shows on its face that the Administrative Law Judge has not had an opportunity to rule on a petition for rehearing. Therefore, this notice of appeal must be dismissed without prejudice as premature.

The notice of appeal filed with the Board is hereby transmitted to Administrative Law Judge Burrowes with the direction that it be treated as a timely filed petition for rehearing. Any future appeal taken from the Administrative Law Judge's disposition of the petition for rehearing must comply with the requirements of 43 CFR 4.320.

//original signed

Wm. Philip Horton
Chief Administrative Judge

//original signed

Jerry Muskrat
Administrative Judge

//original signed

Franklin D. Arness
Administrative Judge